

**Notice of Allowability**

Application No.:

10/068,713

Examiner

Julian Mercado

Applicant(s)

TAKAHASHI ET AL.

Art Unit

1745

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8-1-06.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Remarks***

This Office action is responsive to applicant's amendment filed on August 1, 2006.

Claims 1-11 are pending.

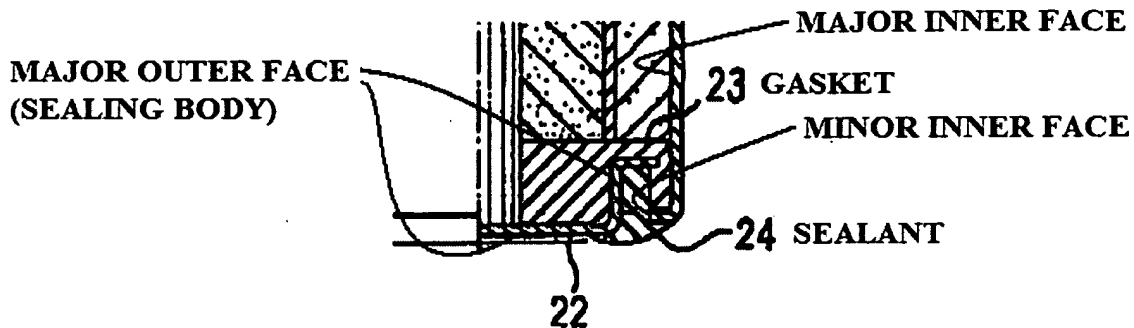
### ***Drawings***

The drawings were received on August 1, 2006. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 102 and 103***

The rejection of claims 1, 3 and 5 under 35 U.S.C. 102(e) or 35 U.S.C. 103(a) based on Horie et al. (U.S. Pat. 6,146,789) has been withdrawn.

In withdrawing this ground of rejection based on Horie et al., the examiner notes that the metal case [1] has a major outer face and a major inner face which generally correspond to the inner and outer faces of the can, and a minor inner face generally corresponding to the edge and facing inwards as in a flange. A sealing body [22] also has analogous structures. In Horie et al., however, the sealant [24], while in contact with the major outer face of sealing body [22], is in direct contact with the minor inner face of the metal case, and not its major inner face. The gasket [23] precludes any contact between the sealant and the minor inner face of the metal case as the gasket/sealing body [23] itself is also sandwiched between these two structures, as shown by the following annotated figure:



### *Allowable Subject Matter*

Claims 2, 4 and 6-8 are allowed for the reasons made of record for provisionally allowable subject matter. The examiner notes that claims 2 and 4 have rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 3, 5, and 9 are allowed. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest the instant invention regarding a sealant in direct contact with a major outer face of a gasket and with a major inner face of a metal case, and colored in a color different than that from the metal case, gasket and a sealing plate/body.

Claims 10 and 11 are allowed. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest the instant invention regarding a sealant in direct contact with a major inner and outer face of a gasket, with a major inner face of a metal case, and with a major outer face of a sealing plate, and colored in a color different than that from the metal case, gasket and a sealing plate/body.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 1745

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

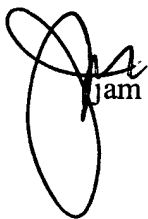
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



jam



PATRICK JOSEPH RYAN  
SUPERVISORY PATENT EXAMINER